

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Planning Committee

Date: **Wednesday, 25th July, 2018**

Time: **7.00 pm**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Julie Robinson

j.robinson@ashfield.gov.uk

01623 457316

PLANNING COMMITTEE

Membership

Chairman: Councillor Chris Baron
Vice-Chairman: Councillor Phil Rostance

Councillors:
Cheryl Butler
Tom Hollis
Keir Morrison
Mike Smith
Jason Zadrozny

David Griffiths
Rachel Madden
Helen-Ann Smith
Sam Wilson

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457316.

SUMMONS

You are hereby requested to attend a meeting of the Planning Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 17th May, 2018. 5 - 10
4. To receive and consider the attached planning applications. 11 - 22
5. Planning Appeal Decisions. 23 - 26

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PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 17th May, 2018 at 6.30 pm

Present: Councillor Chris Baron in the Chair;

Councillors Tim Brown, Cheryl Butler,
David Griffiths, Rachel Madden,
Helen-Ann Smith, Mike Smith, Sam Wilson
and Jason Zadrozny.

Apologies for Absence: Councillors Phil Rostance and Keir Morrison.

Officers Present: Sarah Hall, Mick Morley, Julie Robinson and
Christine Sarris.

In Attendance: Councillors Christian Chapman and
Jackie James.

PC.34 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

1. Councillor Sam Wilson declared a Non Disclosable Pecuniary/Other Interests in respect of application V/2018/0092, Application V/2018/0021, Mrs. A. Astle, change of use of existing dwelling to a Care Home (D1) and Day Nursery (D1) for use by members of the public, Wren Hall Nursing Home, 234 Nottingham Road, Selston. His interest arose from the fact that he is known to the Applicant and some of the members of staff.
2. Councillors Tim Brown, Cheryl Butler, David Griffiths declared Non Disclosable Pecuniary/Other Interests in respect of application V/2018/0092, Rippon Homes Ltd, variation of condition 2 of Planning Permission V/2015/0533 – Substitute House Type to Plots 5-9, land between Pleasley Road and North of Mansfield Road, Skegby, Sutton in Ashfield. Their interests arose from the fact that they were known to the representative who had spoken on behalf of the Applicant at the Planning Committee held on 25th January, 2018.

PC.35 Minutes

RESOLVED

that the minutes of a meeting of the Planning Committee held on 12th April, 2018 be received and approved as a correct record.

**PC.36 Town and Country Planning Act 1990;
Town Planning Applications Requiring Decisions**

RESOLVED that

1. Application V/2018/0186, Mr. C. Berridge, detached garage, 2 Lodge Lane, Kirkby in Ashfield.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Planning Officer proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

One further letter of objection had been received taking the total number of written objections received for this proposal from 8 to 9. The objection submitted was on the grounds that the building being built was higher than originally approved.

A further site visit to check the height of the garage produced a measurement which corresponds with the measurement indicated on the drawings provided, which confirms it is 4.9m in height to the ridge.

The other issues raised within the objection had already been raised within other written representations. As such, these issues were fully considered when forming the recommendation to approve the proposed detached garage.

Ms. L. Harrison, an objector to the application, took the opportunity to address the Committee in respect of this matter.

In accordance with paragraph 9.1(c) of the Code of Conduct and Procedures in respect of the Planning Service, Councillor Jackie James addressed the Committee in respect of this application.

It was moved and seconded that consideration of this application be deferred to the next meeting to enable Officers to liaise with the applicant to seek mitigation in respect of a suitable landscaping scheme at this location.

2. Application V/2018/0021, Mrs. A. Astle, change of use of existing dwelling to a Care Home (D1) and Day Nursery (D1) for use by members of the public, Wren Hall Nursing Home, 234 Nottingham Road, Selston.

(Councillor Sam Wilson had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of his interest he remained in the meeting and took part in the discussion and voting thereon).

Mrs. A. Astle, the applicant, took the opportunity to address the Committee in respect of this matter.

It was moved by Councillor Sam Wilson and seconded by Councillor Jason Zadrozny that the recommendation contained within the report be rejected and that conditional planning consent be approved.

It was considered by the Planning Committee that the proposal would not have a detrimental impact upon parking availability and highway safety.

It was consequently agreed that the following conditions be attached to this permission:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 000-PE-XX-ZZ-DR-A-0010 Rev P01 and 000-PE-XX-ZZ-DR-A-0007 Rev P01.
2. The details of the canopy area shall be provided and agreed in writing with the Local Planning Authority.
3. The day nursery use hereby permitted shall not be in operation except between the hours of 0700 – 1800 daily.
4. The number of children attending the nursery shall not exceed 30 at any time.
5. The Travel Plan dated April 2018 shall be fully implemented.
6. The details of a scheme of advisory signage for the car parking area shall be provided to and agreed in writing by the Local Planning Authority.

For the motion:

Councillors Chris Baron, Tim Brown, Cheryl Butler, David Griffiths, Rachel Madden, Helen-Ann Smith, Mike Smith, Sam Wilson and Jason Zadrozny.

Against the motion:

None.

Abstentions:

None.

Accordingly, the motion was duly carried.

3. Application V/2018/0092, Rippon Homes Ltd, variation of condition 2 of Planning Permission V/2015/0533 – Substitute House Type to Plots 5-9, land between Pleasley Road and North of Mansfield Road, Skegby, Sutton in Ashfield.

(Councillors Tim Brown, Cheryl Butler and David Griffiths had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of their interest they remained in the meeting and took part in the discussion and voting thereon).

Mr. R. Aldread, who was in support of the application, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that conditional consent be granted subject to the satisfactory completion of a Section 106 Agreement.

4. Application V/2018/0035, Ashfield District Council, construction of 34 space car parking spaces including 2 dedicated disabled parking spaces and construction of weir within reservoir, selective dredging of sediment and creation of wetlands receptors to deposit dredged material, Kingsmill Reservoir, Sherwood Way South, Sutton in Ashfield.

(Prior to the vote on this application Councillors Rachel Madden and Jason Zadrozny declared that in their capacity as County Councillors they had discussed and voted on the allocation of funding to this project at a Policy Committee the previous day. They were therefore pre-determined and unable to take part in the voting process).

It was moved and seconded that conditional consent be granted.

(Councillor Helen-Ann Smith left the meeting at 7.35 p.m. and returned at 7.38 p.m. during consideration of the above item. Consequently, in accordance with the Code of Conduct and Procedures in respect of the Planning Service she was not permitted to vote on the application).

5. Application V/2018/0106, Derbyshire Properties, demolition of existing bungalow and erection of 2 dwellings, 132 Wagstaff Lane, Jacksdale.

In accordance with paragraph 9.1(c) of the Code of Conduct and Procedures in respect of the Planning Service, Councillor Christian Chapman addressed the Committee in respect of this application.

It was moved and seconded that conditional consent be granted subject to the following additional informative being attached to this permission:-.

Informative

4. The applicant is encouraged to liaise with the Jacksdale Heritage Society regarding the usage of the stones from the existing building. The stones could perhaps be retained on site and used in the construction of a front boundary wall, or given to the Heritage Society for use on projects elsewhere in the village.

PC.37 Planning Appeal Decisions

Members were asked to note the recent Planning Appeal Decisions as outlined in the report.

RESOLVED

that the report be received and noted.

Reason:

To update the Committee on the recent Appeal Decisions.

PC.38 Permission in Principle

The Corporate Planning and Building Control Manager presented the report to inform Members that the Town and Country Planning Act 1990 (as amended by the Housing and Planning Act 2016) sets out powers to grant permission in principle (PiP) for small sites which is to be introduced on the 1st June, 2018.

RESOLVED

that the report be received and noted.

Reason:

To bring to Members' attention the introduction of permission in principle for small housing-led development sites.

PC.39 National Planning Policy Framework & Other Consultation

The Corporate Planning and Building Control Manager informed the Committee that the Ministry for Housing, Communities and Local Government (MHCLG) had published its draft revisions to the National Planning Policy Framework (NPPF) for consultation on 5th March, 2018.

Members were asked to note the key changes proposed to the National Planning Policy Framework (NPPF) as outlined in the report.

RESOLVED

that the report be received and noted.

Reason:

To bring to Members' attention the proposals for amending the National Planning Policy Framework, as set out in the NPPF consultation.

The meeting closed at 8.10 p.m.

Chairman.

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BACKGROUND PAPERS AND AVAILABILITY OF PLANS

Under the terms of the Local Government (Access to Information) Act 1985 the Authority is required to list the background papers used in preparing all recommendations relating to planning applications.

The background papers forming the planning application file include:

- A Planning Application file, incorporating consultation records, site appraisal and records of meetings and telephone conversations.
- B Planning Policy
- C Local Resident Comments
- D Highway Authority Consultation
- E Environmental Health (ADC)
- F Severn Trent Water plc/Environment Agency
- G Parish Council
- H Local Societies
- I Government Circulars/PPGs
- J Listed Building Consultees
- K Other

Letters received prior to preparation of the Agenda are summarised to indicate the main points and incorporated in the Report to the Members. Any comments received after that date, but before 3pm of the day before Committee, will be reported verbally.

The full text of all correspondence is available to Members.

If a member of the public wishes to view any Background Papers an appointment should be made (giving at least 48 hours notice) with the appropriate Officer in the Council's Development Control Section.

Site Visits Planning Committee

Members will be aware of the procedure regarding Site Visits as outlined in the Councils Constitution.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Director – Place and Communities or the Corporate Manager by 4pm 20th July 2018.

This can be done by either telephone or e-mail and should include the reason as to the request for the site visit. The necessary arrangements will then be made to obtain access to the site or an objector's property, if such is required.

Members are asked to use their own means of transport and those Members attending site visits should meet at the Council Offices at Urban Road at 10am on the Tuesday before Planning Committee. If there is any difficulty in obtaining transport please make contact with the above named officers where alternative arrangements can be made.

C. Cooper-Smith

Interim Service Director – Place and Communities

Tel: 01623 457365

E-mail: c.cooper-smith@ashfield.gov.uk

PLANNING COMMITTEE – 25 JULY 2018

Page	App No	Applicant	Recommendation	Proposal	Location
Abbey Hill					
15-22	V/2018/0186	Mr C Berridge	Approval	Detached Garage	2 Lodge Lane Kirkby in Ashfield

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V/2018/0186 Detached Garage
2 Lodge Lane Kirkby in Ashfield
Abbey Hill
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Map sheet: SK5155NE

25th July 2018



Scale: 1 to 1250

COMMITTEE DATE 25/07/2018 **WARD** Abbey Hill

APP REF V/2018/0186

APPLICANT C Berridge

PROPOSAL Detached Garage

LOCATION 2 Lodge Lane
Kirkby in Ashfield
Nottingham
NG17 7QL

BACKGROUND PAPERS A, B, C, E

WEB LINK:

<https://www.google.co.uk/maps/place/2+Lodge+Ln,+Kirkby+in+Ashfield,+Nottingham+NG17+7QL/@53.097425,-1.23192,17z/data=!4m5!3m4!1s0x48799595e0f43a1d:0x1c744600713c2bbb!8m2!3d53.0988648!4d-1.2303321>

App Registered: 21/03/2018

Expiry Date: 15/05/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Jackie James on the grounds of inaccurate plans and by Councillor Jason Zadrozny on the grounds of policy implications.

Background

This application was presented to Members (see report attached) at the 17th May Planning Committee Meeting and the following additional items were presented verbally. One further letter of objection had been received which took the total number of written objections received for this proposal from 8 to 9. The additional objection received included a claim that the building was being built higher than originally approved.

A further site visit by officers to check the height of the garage produced a measurement which corresponded with the measurement indicated on the drawings provided, which confirms it is 4.9m in height to the ridge.

The other issues raised within the objection had already been raised within other written representations. As such, these issues were fully considered when forming the recommendation to approve the proposed detached garage.

The Committee resolved to defer determination, pending a planting scheme being submitted to try and mitigate the impact of the garage.

The applicant has now submitted a revised planting scheme (Drawing No.T904-PL32) received by the Council on 19th June 2018. This drawing illustrates the intended type and location of the proposed planting. A Cherry Laurel hedgerow is proposed to be planted along the northern and eastern boundaries, in addition to a Silver Birch tree being proposed to be planted in the north east corner of the site to provide a form of screening for the garage, once the tree begins to mature.

Since the previous planning Committee a further letter from a neighbour has been submitted raising 3 issues:

1. Claiming the land does not belong to 2 Lodge Lane. This is a civil matter and not a planning matter for consideration in the planning application.
2. The building will be used for commercial and industrial purposes. The recommendation is to grant planning permission subject to a condition restricting its use to the parking of motor vehicles and only for the benefit of the occupants of the dwelling and their visitors. This does not restrict business use because it would not be appropriate to restrict someone bringing home their work vehicle but it does not permitted a business use if it resulted in a material change in the use of the land or building.
3. The building is overbearing and is the size of 2 double garages and is larger than originally approved. Consideration needs to be given to this proposal irrespective as to whether there has been a previous planning permission.

Accordingly, as the proposed development now incorporates a soft landscaping scheme in response to Members request, the principle of the proposal remains acceptable. It does not result in any overbearing or overshadowing impact, nor would it result in any unacceptable levels of loss of light to nearby properties, it is therefore recommended that approval is granted, subject to the previously listed conditions.

Recommendation: - Full Application Conditional Consent.

COMMITTEE DATE 17/05/2018 **WARD** Abbey Hill

APP REF V/2018/0186

APPLICANT C Berridge

PROPOSAL Detached Garage

LOCATION 2 Lodge Lane
Kirkby in Ashfield
Nottingham
NG17 7QL

BACKGROUND PAPERS A, B, C, E

WEB LINK:

<https://www.google.co.uk/maps/place/2+Lodge+Ln,+Kirkby+in+Ashfield,+Nottingham+NG17+7QL/@53.097425,-1.23192,17z/data=!4m5!3m4!1s0x48799595e0f43a1d:0x1c744600713c2bbb!8m2!3d53.0988648!4d-1.2303321>

App Registered: 21/03/2018

Expiry Date: 15/05/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Jason Zadrozny on the grounds of policy implications, and Councillor Jackie James on the grounds of inaccurate plans.

The Application

This is an application for Detached Garage.

Consultations

Individual notifications to surrounding residents has been sent.

The following consultation responses have been received:

ADC Environmental Health:

While no comments have been received as part of this application, the informatives originally requested during the previous approval (V/2017/0682) are still considered applicable, which are;

The garage shall be offered adequate protection from any harmful ground gas which may be present, and;

If un-natural ground or odour is encountered during construction works, the developer should contact the Council's Environmental Health team at the earliest opportunity.

8 objections have been received in writing by the local residents in respect of the application, which raise the following concerns:

- Building works should not happen on land not owned by the applicant.
- Should have been built as originally approved, and not 2m wider.
- The design of the building looks industrial, and not in keeping with the area.
- The garage is overbearing in nature and out of keeping.
- Garage will have an impact on property value.
- Believe the garage is to be used for commercial gain.
- The roof is higher than originally proposed.
- Concerns the house extension already approved will be built bigger.
- Footing for the proposal had already been laid prior to the approval being issued.
- Garage reduced levels of sunlight and affects the view of nearby properties.
- The garage will overshadow nearby properties.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST3 – Main Urban Area.

National Planning Policy Framework (NPPF) (2012):

Part 7 – Requiring Good Design.

Emerging Ashfield Publication Local Plan (2016):

SD1 – Good Design Considerations for Development.

SD2 – Amenity.

Supplementary Planning Document:

Residential Car Parking Standards (2014).

Relevant Planning History

V/2002/0528 – Two Storey Extension – Conditional Consent – 11/07/2002.

V/2013/0311 – Two Storey Front and Rear Extension, Balcony on Rear Elevation – Conditional Consent – 22/07/2013.

V/2017/0265 – Demolition of existing garage and erection of detached annex with flat roofed canopy linking to double garage – Refused – 05/07/2017.

V/2017/0682 – Demolition of existing garage, construction of front extension, garage and new boundary wall/fence – Conditional consent – 09/01/2018.

Comment:

The site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR (2002).

The application seeks consent for the retention of the existing garage erected within the residential curtilage of 2 Lodge Lane. 2 Lodge Lane is a larger modern two storey detached property, with a large frontage, which currently consists of two detached garages, with one of those being subject to this application.

The garage which is subject to this application benefited from a previous approval under application V/2017/0682. The garage is contemporary in character and incorporates a pitched roof in its design. The garage has however, been built approximately 2m wider than that originally approved.

A previous application (V/2017/0265) for a detached annex with linked double garage (which included the garage subject to this application) was refused on the basis that the proposal would form an independent residential unit. The application was therefore revised under application V/2017/0682, which was subsequently granted approval.

Visual Amenity:

The garage is in a relatively enclosed position, with only the roof of the garage being visible over the current boundary treatment. The proposal itself is not visible from the main public highway of Diamond Avenue, nor is it visible from the gated entrance onto Lodge Lane.

The garage is contemporary in design, incorporating grey garage doors, fascia's, and roof lights, with grey slate tiles and a proposed white render and grey stonework finish to the elevations. The design and materials are considered to be in keeping with the existing character and design of the host property.

A number of concerns have been raised relating to the development being out of character with surrounding properties, particularly those on Thoresby Avenue which are predominantly red brick properties. The Part 7 of the NPPF highlights how planning decisions should not attempt to impose architectural styles or particular tastes, while also not preventing or discouraging appropriate innovation. Taking this into account, it is considered that the overall design of the proposal would not result in significant harm to the character and appearance of the area.

Residential Amenity:

A number of concerns have also raised objection to the development being overbearing, overshadowing and resulting in a loss of light.

The rear elevation of the garage is set approximately 2m off the boundary line of No.11 Thoresby Avenue as identified on the plans provided, although it is noted that there is a land dispute in this area. This measurement has also been checked on site. The garage is situated at the end of the residential gardens for Thoresby Avenue.

The garage incorporates a pitched roof into its design which slopes away from the boundary line. The garage will reach a maximum eaves and ridge height of approximately 2.6m and 4.9m respectfully. There are no significant land level differences between the application site and surrounding properties, and the nearest residential property to the development (12 Ruby Gardens) is located approximately 19m away, with the closest on Thoresby Avenue (No.9) being located approximately 28.5m away. Taking the above factors into account, it is considered that the garage would not result in any overbearing or overshadowing impact, nor would it result in any unacceptable levels of loss of light to these properties, albeit it being 2m wider than originally approved.

Concerns have been raised relating to the intended use of the garage, which include the possibility for it being associated with a commercial use. A condition is therefore suggested which would require the garage to be used solely for residential purposes only.

The impact upon property value is not a material planning consideration, and works commencing on site prior to the issuing of a decision is done so at the risk of the owner applicant, and leaves the applicant open to potential enforcement action should the authority consider it expedient.

Disputed land:

A number of concerns have raised the observation that the garage is built on land not owned by the applicant. Land ownership disputes are not material planning considerations, and are therefore a civil matter. However having assessed the submitted details, including the plans application form, this illustrates that the strip of 'disputed land' is approximately 2m wide, which is the remaining distance from the rear of the garage to the boundary. The applicant has also signed 'Certificate A' within the application form, which certifies they are the owner of the land in which this application relates.

Highways:

Adequate visibility splays are maintained at the entrance to the site, in addition to the site also conforming to the Residential Car Parking Standards SPD with regards to suitable space being provided to accommodate off-street parking. Therefore there are no highway safety concerns associated with this proposal.

Conclusion :

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, conditional consent is recommended for this application.

Recommendation: - Full Application Conditional Consent.

CONDITIONS

1. This permission shall be read in accordance with the following plans: Proposed Site Plan and Elevations, Drawing No.T904-PL32 Rev.A, Received 26/04/2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
2. The hereby permitted garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors, and for no other purpose and permanently retained as such thereafter.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To safeguard the amenities of residents living in the vicinity of the application site.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The garage shall be offered adequate protection from any harmful ground gas which may be present.
3. If un-natural ground or odour is encountered during construction works, the developer should contact the Council's Environmental Health team at the earliest opportunity.

Report To:	PLANNING COMMITTEE	Date:	25 JULY 2018
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	ANNESLEY AND KIRKBY WOODHOUSE, HUCKNALL SOUTH, HUCKNALL WEST, HUTHWAITE AND BRIERLEY, JACKSDALE, SELSTON, SKEGBY		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To inform members of recent Planning Appeal Decisions.

Recommendation(s)

To note the Appeal Decisions

Reasons for Recommendation(s)

To bring the recent Appeal Decisions to Members' attention.

Alternative Options Considered

N/A

Appeal Decisions

Planning Application - V/2017/0547

Site – 150 Nuncargate Road, Kirkby in Ashfield, NG17 9EQ

Proposal – 3 Dwellings and Creation of Vehicular Access with Fence and Gates

Appeal Decision – Dismissed

The application sought consent for the erection of 3 detached properties on garden land to the rear of 150 Nuncargate Road.

The Inspector agreed with a previous Inspector that a footpath running to the left of the appellant site provided a clear demarcation between the higher density development and the lower density bungalows in larger plots along Nuncargate Road. The Inspector considered that the proposed dwellings would fragment and disrupt the prevailing pattern of development. For this reason, the

Inspector concluded that the development would have a detrimental impact on the character and appearance of the surrounding locality.

Planning Application – V/2017/0660

Site – 21A Farleys Lane, Hucknall, NG15 6DY.

Proposal – One Dwelling.

Appeal Decision – Dismissed.

The Inspector considered the proposal would be an unduly prominent and intrusive feature within the street scene, thus having a harmful effect on the character of the area. Additionally it was deemed that due to the proposal's shape and scale, it would appear disproportionate and discordant within the rhythm of the street scene, where other plots are generally wider and more proportionate. As such, the proposal would not accord to design policy contained within the National Planning Policy Framework (2012).

It was recognised that the area of outdoor space meets the Council's standard for amenity space. However taking into account the proposed forms of boundary treatments, it was concluded that this would result in a gloomy and awkward area of garden space, which would be of detriment to future occupiers.

Planning Application – V/2017/0359

Site – 9 Beauvale Crescent, Hucknall, NG15 6PT.

Proposal – One bungalow.

Appeal Decision – Dismissed.

This proposal was for a bungalow on land to the rear of existing properties. The Inspector considered that the development would detract significantly from the character and appearance of the site and its surroundings and the proposal would not provide satisfactory living conditions for future occupiers, because the outlook from habitable rooms would be restricted. It would thus be in conflict with Local Plan Policies and the NPPF.

Planning Application – V/2017/0345

Site – 14-16 Back Lane, Huthwaite, Sutton in Ashfield, NG17 2LL

Proposal – Outline Application to Demolish Existing Buildings, Create New Access and Erect 3 Dwellings

Appeal Decision – Dismissed

The Council considered that the proposal would have a harmful impact on highway safety, the proposal would have a detrimental impact on the amenity of future occupiers, and the proposal would be out of keeping with the prevailing pattern of development within the area.

Whilst the Inspector concluded that the proposal would not likely have an impact on highway safety and the proposal would provide future occupiers with satisfactory living conditions, the Inspector did agree with the Council that the proposal would create a tandem development. Such a development was considered by the Inspector to be out of keeping with the immediate surrounding area, and as such, the proposal would have a harmful impact on the character and appearance of the locality.

Planning Application – V/2017/0562

Site – 48-50 Main Street, Huthwaite, Sutton in Ashfield, NG17 2LG.

Proposal – Two Dwellings.

Appeal Decision – Dismissed.

The Council considered that the site was insufficient to accommodate the originally proposed four bedroom properties. An attempt was made by the applicant/agent to address the Council's concerns and one of the bedrooms was subsequently referred to as a 'home office'.

The Inspector shared the same view as the Council, that the properties must be considered on the basis of being four bedroomed, as attaching a planning condition restricting it to three bedroom would not meet the 'six tests' identified within Paragraph 206 of the National Planning Policy Framework (2012).

As such, the Inspector considered that the dwellings failed to provide adequate levels of private outdoor amenity space to the detriment of future occupiers; and the available space failed to meet the requirements outlined within the Council's Residential Design Guide (2014) Supplementary Planning Document. It was also agreed that adequate levels of off-street parking were essential in order to avoid highway safety issues and this was due to on-street parking being in short supply in the area, in addition to existing off-street parking at a neighbouring property being displaced.

Planning Application – V/2017/0660

Site – Land at Yew Tree Farm, Main Road, Jacksdale, NG16 5HW

Proposal – Certificate of lawful use or development for the siting of a mobile home for residential use.

Appeal Decision – Allowed with Costs

The Council had contended that there were significant gaps in the appellant's evidence to demonstrate a continuous ten-year period of residential usage. The Inspector considered that a statutory declaration by the site's previous owner and evidence from the site planning history, was sufficient to demonstrate that, on the balance of probability, the appeal site had been used for the siting of a mobile home for residential purposes ten years prior to 1985. The Inspector dismissed the Council's arguments that the residential usage had been abandoned.

The Inspector awarded costs to the appellant because he considered communication and cooperation with the applicant fell short of what could be expected and the Council's case was not substantive and lacked sufficient evidence. These shortcomings amounted to unreasonable behaviour and justified an award of costs.

Planning Application – V/2017/0647

Site – Vernon Maltby Skip Hire, 7 School Road, Selston NG16 6AW

Proposal – Replacement Maintenance Building

Appeal Decision – Allowed

The Council refused the application on the basis of an adverse impact upon the living conditions of neighbouring residents and highway safety. The Inspector considered that the proposal would have some harmful effects on the outlook from neighbouring properties' gardens. However, the Inspector found no conflict with respect to noise, disturbance and highway safety. The proposal was considered to assist with a local business and to have benefits for the local economy and employment. Overall, these benefits were considered to outweigh the harm and the appeal was allowed.

Planning Application – V/2017/0299

Site – 151 Mansfield Road, Sutton in Ashfield

Proposal – display of a 48-sheet backlight

Appeal Decision – Allowed

The application sought consent for the replacement of an existing 48-sheet advertisement display with a 48-sheet backlight display.

The Inspector agreed with the Council that the site is a prominent feature when travelling east along Mansfield Road. However he considered when viewed from the east in longer views, the hoarding is seen in the context of commercial premises, other illuminated signage and a busy and well illuminated road network. The Inspector was satisfied the advertisement would not have a harmful effect on the character and appearance and therefore amenities of the surrounding area; nor would it cause harm to public safety.

Corporate Plan:

Reporting these decisions ensures we are open and transparent in our decision making processes.

Legal:

Legal issues relating to specific planning appeals are set out in the report. As the reports are for noting, there are no legal issues associated with the recommendation in the report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The award of costs, details of which have not been received can be met from the Planning Appeal Costs provision.
General Fund – Capital Programme	none
Housing Revenue Account – Revenue Budget	none
Housing Revenue Account – Capital Programme	none

Risk:

N/A

Risk	Mitigation

Human Resources:**Equalities:**

No implications

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

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